

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

LEXINGTON INSURANCE COMPANY,)
)
 Plaintiff,)
v.) No. 1:09-CV-159
)
PIONEER CREDIT COMPANY, INC.,) Chief Judge Curtis L. Collier
)
 Defendant.)

JUDGMENT ORDER

Before the Court is Defendant Pioneer Credit Company’s (“Pioneer”) motion to realign the parties (Court File No. 9). Pioneer moves to realign Third-Party Defendants Insurance Incorporated and Thomas Jones as plaintiffs as they are agents of Lexington Insurance Company (“Lexington”) and share common interests with Lexington. Lexington opposes this motion and asserts Pioneer seeks realignment to destroy diversity jurisdiction. This motion was referred to the magistrate judge (Court File No. 15).

On November 30, 2009, United States Magistrate Judge William B. Carter filed a report and recommendation (“R&R”), pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 25). Neither party has objected to the R&R within the given fourteen days. After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations.

Accordingly, the Court **ORDERS**:

- (1) Pioneer Credit Company’s motion to realign parties (Court File No. 9) is **GRANTED**;
- (2) Third-Party Defendants Insurance Incorporated and Thomas Jones are realigned as plaintiffs with Lexington Insurance Company;
- (3) The action is **DISMISSED** for lack of subject-matter jurisdiction.

SO ORDERED.

ENTER:

/s/

**CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE**